

1  
2  
3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 SIONE LUI,

7 Petitioner,

8 v.

9 MIKE OBENLAND,

10 Respondent.

C18-893 TSZ

ORDER

11 Having reviewed the Report and Recommendation, docket no. 17, of the  
12 Honorable Mary Alice Theiler, United States Magistrate Judge, petitioner's objections  
13 thereto, docket no. 18, and respondent's response, docket no. 19, to petitioner's  
14 objections, the Court ORDERS:

15 (1) The Report and Recommendation is ADOPTED in part and MODIFIED in  
16 part;

17 (2) The Petition for a Writ of Habeas Corpus, docket no. 1, is DENIED, and  
18 this action is DISMISSED with prejudice;

19 (3) Petitioner, however, is GRANTED a certificate of appealability with  
20 respect to his ineffective assistance of counsel claims (Grounds 2-5),<sup>1</sup> as to which

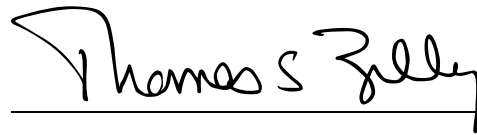
21 <sup>1</sup> Petitioner no longer pursues Grounds 7, 8, and 10, in which he asserts ineffective assistance of  
22 counsel relating to, respectively, the decision not to present testimony about petitioner's arm  
23 injury, the failure to develop "other suspect" evidence, and the choice not to offer as evidence the

1 reasonable jurists could disagree, as evidenced by the dissent in *In re Lui*, 188 Wn.2d  
2 525, 397 P.3d 90 (2017); and

3 (4) The Clerk is directed to enter judgment consistent with this Order and to  
4 send a copy of the Judgment and this Order to all counsel of record and to Magistrate  
5 Judge Theiler.

6 IT IS SO ORDERED.

7 Dated this 28th day of August, 2019.

8  
9 

10 Thomas S. Zilly  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20

21 \_\_\_\_\_  
22 unrelated misdeeds of Detective Gulla. With regard to petitioner's prosecutorial misconduct  
23 claim (Ground 6), a certificate of appealability is DENIED, and petitioner has abandoned all  
other claims in his habeas petition, see Objections at 1 (docket no. 18).